

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q60961

Hidekuni MORIYA, et al.

Appln. No.: 09/674,638

Group Art Unit: 2624

Confirmation No.: 8917

Examiner: Stephen M BRINICH

Filed: November 2, 2000

For: IMAGE DATA BACKGROUND DETERMINING APPARATUS, IMAGE DATA

BACKGROUND DETERMINING METHOD, RECORDING AND MEDIUM THEREON **IMAGE** DATA BACKGROUND DETERMINATION

PROGRAM

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

RECEIVED

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 JUL 1 6 2004

Technology Center 2600

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

A copy of the European Search Report dated May 5, 2004 and a copy of US Patent No. 5,850,298 are being submitted herewith.

Applicant notes that European Patent 0 845 716 was previously disclosed in an Information Disclosure Statement filed on November 2, 2000, and was considered by the Examiner in the Office Action dated April 21, 2004.

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 09/674,638

Attorney Docket No. Q60961

The present Information Disclosure Statement is being filed after the later of three

months from the application's filing date and the mailing date of the first Office Action on the

merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes

prosecution in the application (whichever is earlier), and therefore Applicant is filing

concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p)

is required.

The submission of the listed documents is not intended as an admission that any such

document constitutes prior art against the claims of the present application. Applicant does not

waive any right to take any action that would be appropriate to antedate or otherwise remove any

listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

Registration No. 39,234

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SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: July 15, 2004

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Complete if Known 09/674,638

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November 2, 2000 Hidekuni MORIYA

Stephen M BRINICH

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Substitu	te for Form 1449 A & B/PTO	
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·-	INFORMATION DISCRESSURE	Confirmation Number
	STATEMENT BY APPLICANT	Filing Date
		First Named Inventor
	(use as many sheets as necessary)	Art Unit
	,	Examiner Name

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Sheet		1	of 1	Atto	orney Docket Number	Q60961
			U.S.	PATENT DOCU	MENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date		
		Number	Kind Code <sup>2</sup> (if known)	MM-DD-YYYY	Name of Patentee or Applicant of Cited Documer	
		US 5,850,298	Α	12-15-1998	Narahara et al.	
		US				
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date	Name of Patentee or	
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	Translation <sup>6</sup>
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NON PATENT LITERATURE DOCUMENTS				
Examiner Cite I Initials* No. jo		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.		

	*		
Examiner Signature		 Date Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.